BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JULIA KHAN	}
VS. HEALTHCARE SERVICES GROUP))) Docket No. 199,540
Respondent AND	
ZURICH AMERICAN INSURANCE COMPANY Insurance Carrier	}

<u>ORDER</u>

The claimant appeals from a September 19, 1995 Preliminary Hearing Order by Assistant Director David A. Shufelt, which denied claimant's request for preliminary benefits.

ISSUES

On appeal, claimant contends the Assistant Director exceeded his jurisdiction in denying benefits because the evidence establishes that claimant is in need of medical treatment and temporary total disability compensation as a result of a work-related injury. The sole issue before the Appeals Board is whether claimant has met her burden of proving that she sustained personal injury by accident arising out of and in the course of her employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds, for preliminary hearing purposes, as follows:

The finding by the Assistant Director that claimant has not carried her burden of proving that she met with personal injury by accident arising out of and in the course of her employment with respondent should be affirmed. The weight of the credible evidence persuades this trier of fact that the claimant's injury did not occur in the manner to which claimant testified. The Appeals Board finds the findings and conclusions enumerated in the Order of the Assistant Director to be accurate and appropriate and adopts same as its own findings as if specifically set forth herein.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the September 19, 1995 Preliminary Hearing Order of Assistant Director David A. Shufelt should be, and the same is hereby, affirmed.

IT IS SO ORDERED.
Dated this day of November 1995.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER
BOAILD MEMBEIL
Roger D. Fincher, Topeka, Kansas Clifford K. Stubbs, Lenexa, Kansas

c: Roger D. Fincher, Topeka, Kansas Clifford K. Stubbs, Lenexa, Kansas David A. Shufelt, Assistant Director Philip S. Harness, Director